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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,024	10/18/2000	Peter Iselt	4100 116P	5475

2292 7590 01/30/2004

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EXAMINER
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PHAN, MAN U

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/623,024

Applicant(s)  
Iselt

Examiner  
Man Phan

Art Unit  
2665



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 18, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 1 6) ☐ Other:

### **DETAILED ACTION**

1. The application of Iselt for the "Radio device with remote control" filed 10/18/2000 has been examined. This application is a 371 of PCT International Application number PCT/EP99/01055 which has an International filing data of 02/18/1999. This application claims foreign priority based on the application 198 07 928.1 dated 02/25/1998 filed in Germany. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. The preliminary amendment has been entered and made of record. Claims 1-6 are pending in the application.

#### ***Drawings***

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

#### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the

computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. The Abstract of the disclosure is objected to because it contains the legal phraseology "said" (line 10). Correction is required.

#### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: On line 10 "the remote control device" should be changed to --the mobile remote control device--.
- Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 recites the limitation "*the operating functions*" in line 6, and "*the operating states*" in line 7. There is insufficient antecedent basis for this limitation in the claim since no "*operating functions or operating states*" has previously been identified or

claimed. For purposes of continued prosecution, the antecedent is thought to be the “*transmitting and receiving functions*” identified in line 1.

7. Claim 1 also recites limitations “*the information*” in line 9, and “the operating functions and information” in line 12. There is insufficient antecedent basis for these limitations in the claim.

8. Claims 3, 4 recite limitations “*the operating function data and information data*” in line 3. There is insufficient antecedent basis for these limitations in the claim.

9. Claim 5 also recites limitation “*the information*” in line 5, and claim 6 recites limitation “*the user*” in line 4. There is insufficient antecedent basis for these limitations in the claims.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin (US#6,127,941) in view of Mayerle (US#4,081,747).

With respect to claims 1-6, both Van Ryzin (US#6,127,941) and Mayerle

(US#4,081,747) disclose a novel method and system for a two-way remote control device with a graphic user interface for controlling various devices utilizing wireless data transfer operations according to the essential features of the claims. Ryzin provides a remote control device for wirelessly communicating with a multimedia system comprised of audio/video devices connected with each other, wherein the multimedia system includes a first transceiver for wirelessly transmitting and receiving a number of signals. The remote control device comprises a memory storage for storing specifications data for each of the audio/video devices. The specifications data is operative to have the audio/video devices perform a number of functions in response to command data. Further included is a user input section for inputting the command data representative of a function to be performed in at least one of the audio/video devices. The remote control device also includes a display for displaying a number of graphical objects each corresponding to a respective one of the audio/video devices, and for displaying a menu including the number of functions corresponding to each respective audio/video device such that the function is selected from the menu in response to the user input section. Also included is a programmable controller for processing the input command data corresponding to the selected function on the display. In addition, the remote control device comprises a second transceiver for transmitting to the first transceiver a first signal corresponding to the processed command data such that at least one audio/video device is operative to perform the selected function, and for receiving from the first transceiver a second signal corresponding to status data indicating whether the selected function has been performed. (See Figs. 1A&B; Col. 2, lines 29 plus, and Col. 7, lines 30 plus).

Furthermore, Holmes's invention is directed to a system for remotely controlling audio/video/data equipment as illustrated in Figs. 1A&B, in which as is apparent from the high level block diagrams, the user may browse through all of the devices in the system by moving the cursor on the display 104 from one corresponding graphical object to another. During the browsing (or function control) operation, each device responds with its status indicating whether the device is on or off, whether the selected function has been performed successfully, etc. by sending the appropriate information carrying signal via the serial control line to the transceiver 132 and then to the remote control unit 100. This information is then received by the antenna 102 and is processed by the transceiver 116. Then, the microprocessor 112 executes the appropriate instructions to display the received information on the display 104 (Col. 5, lines 58 plus).

In the same field of endeavor, Meyerle (US#4,081,747) provides a remote control arrangement for use with communication apparatus, which utilizes a communication channel of the apparatus and which provides a control signal having a frequency lying within an information frequency band of the apparatus. Meyerle teaches in Fig. 1 a block diagram illustrated a remote control arrangement for transmitting intelligence occurring in a band of frequencies  $f_b$  between first and second remotely located stations. The remote control arrangement which is adapted to activate an element at the first station, comprises an encoder means located at the second station and a decoder means located at the first station. The encoder means provides a remote control signal having a preselected frequency  $f_e$  which occurs for a preselected interval of time  $T_e$ . Adjustable means are provided at the encoder for selectively varying the frequency  $f_e$  over a range of

frequencies lying in the band of frequencies  $f_c$  and adjustable means are provided for selectively varying the interval of time  $T_e$ . The decoder includes means for detecting the reception of a signal of preselected frequency  $f_c$  and preselected interval  $T_e$  and for activating an element upon detection of the signal. The decoding means more particularly includes adjustable circuit means for tuning the decoder to be selectively responsive to the frequency  $f_c$  and adjustable circuit means for tuning the decoder to be selectively responsive to interval  $T_e$  (Col. 2, lines 52 plus). It's noted that in wireless networks such as mobile telephone networks, however, the error probability is often extremely high, and the channel coding method employed has a significant effect on the transmission quality. This stage of channel coding is conventional processing stage according to IS54B, before being passed to the RF modulator/demodulator for transmission.

One skilled in the art would have recognized the need for effectively and efficiently remotely control and monitor a radio device utilizing a remote control device with a plurality of adjustable transmitting and receiving functions, and would have applied Meyerle's teaching of the improved remote control which utilizes a communication channel and coding apparatus into Ryzin's novel use of the two-way remote control device for wirelessly communicating with a multimedia system. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Meyerle's remote control for communication apparatus into Ryzin's remote control device with a graphic user interface with the motivation being to provide a method and system for the remotely control and monitor a radio device in wireless communications.



*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Seebeck et al. (US#5,657,005) is cited to show the operation of a system using a remote control.

The Osborne (US#6,088,588) is cited to show the method and wireless terminal for monitoring communications and providing network with terminal operation information.

The Carner et al. (US#6,622,925) is cited to show the apparatus and method for wireless control.

The Weber (US#4,870,697) is cited to show the two-way communication system for winning machines in underground mining.

The August et al. (US#5,671,267) is cited to show the interactive system for communications between a cordless telephone and a remotely operated device.

The Ogino et al. (US#6,100,792) is cited to show the car security apparatus and car security system.

The Darbee et al. (US#6,002,450) is cited to show the two-way remote control with advertising display.

The Chen et al. (US#6,452,483) is cited to show the vehicle security system having advanced wireless function programming capability.

The Barnes et al. (US#6,594,470) is cited to show the system and method for

remote management of call center operations.

The Kemink et al. (US#6,563,430) is cited to show the remote control device with location dependent interface.

The Alt et al. (US#5,898,384) is cited to show the programmable remote control systems for electrical apparatuses.

The Furukawa (US#6,243,022) is cited to show the remote control device using two-way communication for a vehicle opening system.

The Miyahara et al. (US#4,764,981) is cited to show the remote control circuit.

The Dresti et al. (US#6,642,852) is cited to show the remote control device with appliance power awareness.

The Darbee et al. (US#6,278,499) is cited to show the two-way remote control with advertising display.

The Branan, Jr. et al. (US#5,173,795) is cited to show the optically controlled radio.

The Lange et al. (US#4,555,806) is cited to show the system for the automatic establishment of a shortwave telegraphy signal connection.

The Cook et al. (US#5,455,570) is cited to show the methods and apparatus for communication program data signals via a remote control unit.

The Kotzin (US#5,077,741) is cited to show the data throughput enhancement.

The Powell et al. (US#4,001,772) is cited to show the coded signaling and control system.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (703)305-1029. The examiner can normally be reached on Mon - Fri from 6:30 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

14. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:** (703) 305-9051, (for formal communications intended for entry)

**Or:** (703) 305-3988 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Mphan

01/16/2004.

  
**MAN PHAN**  
**PATENT EXAMINER**